
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

LARRY J. CULLUM,

Plaintiff,

versus

L. HERITAGE, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:10-CV-672

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Larry J. Cullum, a prisoner confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se*, brought this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against L. Heritage and Warden Upton.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the case pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 2nd day of December, 2010.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE